

REMARKS/ARGUMENTS

The claims are 3-23 and 25-34 and have been rejected on the basis of the prior art. Specifically, independent claims 31-34 and dependent claims 3-10, 13-14, 16-18, 21 and 25-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Council U.S. Patent No. 5,775,417* in view of *Avakov, U.S. Patent No. 5,094,340*. Claims 11, 12, 19, 20, 22 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Council* in view of *Avakov* in further view of *Haugwitz U.S. Patent No. 3,144,949*. The remaining claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Council* in view of *Avakov* in view of *Perrella U.S. Patent No. 4,360,054*.

The rejections are respectfully traversed and reconsideration is respectfully requested.

The cited references fail to teach or suggest a drawing machine or a method for drawing a linear workpiece as recited in Applicant's independent claims 31-34.

In particular, Applicant's independent claim 31 recites in part:

a caterpillar conveyor (1) comprising a first chain carrier (2), a second chain carrier (3), a first

tool chain (6) and a second tool chain (9), wherein said first chain carrier (2), said second chain carrier (3), said first tool chain (6) and said second tool chain (9) are disposed in and form a drawing plane (19) in which the workpiece to be drawn is caused to move;

a frame (15) supporting said caterpillar conveyor (1), wherein at least one of said first chain carrier (2) and said second chain carrier (3) is displaceable relative to said frame (15) via a pressure cylinder (14) rigidly coupled to said frame (15);

Applicant's independent claim 33 recites in part:

a caterpillar conveyor (1) comprising a first chain carrier (2), a second chain carrier (3), a first tool chain (6) and a second tool chain (9), wherein said first chain carrier (2), said second chain carrier (3), said first tool chain (6) and said second tool chain (9) are disposed in and form a drawing plane (19) in which the workpiece to be drawn is caused to move;

a frame (15) supporting said caterpillar conveyor (1);

. . . .

a first pressure cylinder and a second pressure cylinder (14) coupled to said frame (15), at least one of said first pressure cylinder and said second pressure cylinder disposed on said cross bar (21), wherein said first pressure cylinder (14) displaces said first chain carrier (2) relative to said frame (15) and said second pressure cylinder displaces said second chain carrier (3) relative to said frame (15);

Applicant's independent method claim 32 recites the steps

of:

moving the workpiece to be drawn in a drawing plane (19) formed by a first chain carrier (2), a second chain carrier (3), a first tool chain (6) and a second tool chain (9) of a caterpillar conveyor (1), said first chain carrier (2), said second chain carrier (3), said first tool chain (6) and said second tool chain (9) being disposed in the drawing plane (19);

providing a frame (15) supporting said caterpillar conveyor (1), wherein at least one of said first chain carrier (2) and said second chain carrier (3) is displaceable relative to said frame (15) via a pressure cylinder (14) rigidly coupled to said frame (15),

Applicant's independent method claim 34 recites the steps of:

moving the workpiece to be drawn in a drawing plane (19) formed by a first chain carrier (2), a second chain carrier (3), a first tool chain (6) and a second tool chain (9) of a caterpillar conveyor (1), said first chain carrier (2), said second chain carrier (3), said first tool chain (6) and said second tool chain (9) being disposed in the drawing plane (19);

providing a frame (15) supporting said caterpillar conveyor (1), a first pressure cylinder coupled to said frame (15) and a second pressure cylinder (14) coupled to said frame (15),

. . .

displacing said first chain carrier (2) relative to said frame (15) with said first pressure cylinder (14); and

displacing said second chain carrier (3) relative to said frame (15) with said second pressure cylinder (14);

At page 6 of the November 24 2009 Final Office Action, the Examiner has indicated that Council shows a caterpillar conveyor

having a first chain carrier and a second chain carrier, wherein at least one of the first and second chain carriers is displaceable relative to a frame (31,37).

The Examiner has not provided corresponding drawing reference numeral for the first and second chain carriers of *Council*, but rather refers generally to FIG.2 of *Council* as showing the respective chain carriers. Applicant submits that the first chain carrier of *Council* is defined by plates (113, 115) sprockets (231, 233) and slack adjusters (321) and that the second chain carrier of *Council* is defined by plates (123, 125), sprockets (231A, 233A) and slack adjusters (321A).

As set forth in Applicant's claims, one or both of the first and second chain carriers are displaced relative to the frame by a respective pressure cylinder coupled to the frame. *Council* fails to teach or suggest this feature, as the first chain carrier (113, 115, 231, 233, 321) and the second chain carrier (123, 125, 231A, 233A, 321A) are not displaceable relative to the frame (31, 37) via pressure cylinders (221, 223) coupled to the frame (31, 37). As pointed out in Applicant's previous responses, in the device according to *Council*, the pressure cylinders (221, 223) are not rigidly coupled to the frame, rather each pressure cylinder (221, 223) is coupled to both the first

and second chain carriers, which chain carriers are movably mounted in the frame (31, 37) via rod (171) and rail (93).

Moreover, as set forth in independent claims 31-34, the frame according to Applicant's drawing machine and method supports a caterpillar conveyor, which caterpillar conveyor includes both the first and second chain carriers. Thus, the frame as set forth in Applicant's claims supports the entire caterpillar conveyor, not just one chain. Any rigid components carrying a chain which are movable with respect to the frame would be considered part of the chain carrier.

At page 6 of the November 24, 2009 Final Office Action, the Examiner has taken the position that "said first frame half (235A, 232A of *Council*) comprising a first main beam (37 of *Council*) and said second frame half (233, 235 of *Council*) comprising a second main beam (31 of *Council*). Applicant respectfully submits that the Examiner is in error, as reference numerals 235 and 235A of *Council* are not part of a frame supporting a caterpillar conveyor, which caterpillar conveyor includes first and second chain carriers, as recited in Applicant's claims. Rather, reference numerals 235 and 235A of *Council* are drive shafts which are part of the respective chain carriers. Thus, elements 235, 235A of *Council* cannot be considered part of a frame as recited in Applicant's claims.

Likewise, as set forth above, reference numerals 233 and 233A of *Council* are not part of a frame as recited in Applicant's claims, but rather are sprockets which are part of the respective chain carriers of *Council*. The reference numerals from *Council* cited by the Examiner describe structures which are part of the chain carriers supported in a frame (31, 37) and movable relative to that frame, but are not the frame itself. In, sum the drive shafts (235, 235A) and sprockets (233, 233A) shown in *Council* are not part of a frame supporting a caterpillar conveyor having first and second chain carriers, but rather are part of the chain carriers themselves.

In addition, contrary to the Examiner's position, the beams (31,37) of *Council* do not absorb press-on forces as recited in Applicant's claims, because every press-on force exerted by pressure cylinders (221, 223) of *Council* is directed into the plates (113, 115) of the first chain carrier and the plates (121, 125) of the second chain carrier.

The defects and deficiencies of *Council* are nowhere remedied by the secondary reference to *Avakov*. The Examiner has cited *Avakov* as teaching pressure cylinders (36) rigidly coupled to a frame (38). It is respectfully submitted that the pressure cylinders (36) of *Avakov* are not coupled to a frame as set forth in Applicant's claims.

As set forth above, the frame recited in Applicant's claims supports a caterpillar conveyor, which caterpillar conveyor includes both the first and second chain carriers

It is clear that the components identified with reference numeral (38) in *Avakov* are not a frame supporting the caterpillar conveyor, which caterpillar conveyor includes first and second chain carriers, as recited in Applicant's claims. Rather, components (38) in *Avakov* are the two chain carriers themselves.

Accordingly, *Avakov* fails to show pressure cylinders (36) rigidly coupled to a frame (38) as proposed by the Examiner, as component (38) of *Avakov* is not a frame supporting the caterpillar conveyor, but rather is a chain carrier. In particular, the drawing figures of *Avakov* show only the pressure cylinders (36) coupled to the chain carriers (38). Although one of ordinary skill in the art would understand that the pressure cylinders (36) of *Avakov* must be coupled to some kind of frame in order to exert a pressure force so that the workpiece (30) is gripped by the tool chains, there is no teaching or suggestion in *Avakov* of a frame having the features set forth in Applicant's claims.

With respect to the Examiner's position set forth beginning at the last line of page 6 of the November 24, 2009 Final Office

Action and continuing to page 7, line 17 thereof, Applicant is unable to identify any component in *Council* identified with reference numeral 38, thereby rendering the Examiner's arguments difficult to understand. To the extent reference numeral 38 as used in this passage was intended to refer to the component in *Avakov* identified with reference numeral 38, Applicant respectfully submits that the Examiner's analysis is flawed as the Examiner's description of the teaching of *Council* would then include elements of *Avakov*, which features are not present in *Council*.

In any event, as discussed above, reference numeral 38 of *Avakov* refers to a chain carrier and is not a frame as recited in Applicant's claims.

In addition, it is not possible to achieve the substantially equal distribution of press-on forces recited in Applicant's claims with the arrangement shown in *Avakov*, because, as shown in FIG. 1, the pressure cylinders 36 of *Avakov* are all located on the same side of the chain carriers, outside of the drawing plane.

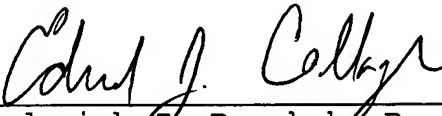
The remaining secondary references to *Haugwitz* and *Perrella* have been considered, but are believed to be no more relevant.

Accordingly, for at least the reasons set forth above, it is believed that independent claims 31, 32, 33 and 34 are allowable over the cited references, either alone or in combination. Moreover, claims 3-23, which depend directly or indirectly on claim 31, and claims 25-30, which depend directly or indirectly on claim 32, are believed to be allowable for at least the reasons set forth for independent claims 31 and 32.

In view of the foregoing, withdrawal of the final action and allowance of this application are respectfully requested.

Respectfully submitted,
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